

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 76/310,413

Filed: September 7, 2001

Mark: CHROMEXL

Published in the Official Gazette: January 16, 2003



04-17-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

Fundia Cromax Aktiebolag,

Opposer,

v.

Industrial Hard Chrome, Ltd.,

Applicant.

Opposition No.: \_\_\_\_\_

Box TTAB FEE

Assistant Commissioner of Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

03 MAY - 8 4:15:31

NOTICE OF OPPOSITION

Opposer, Fundia Cromax Aktiebolag, a company organized under the laws of Sweden, located and doing business at Kanalvagen 12, A94 61 Upplands/Vasby, Sweden, hereby opposes registration of the mark shown in the above-identified application because Opposer believes that it will be damaged by such registration.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop TTAB  
FEE Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

05/06/2003 6THOMAS2 00000108 76310413

01 FC:6402

300.00 GP

Michael W. Harvey  
Name of Attorney for Applicant(s)

04-14-2003  
Date

Signature of Attorney

The grounds for opposition are as follows:

1. Opposer, Fundia Cromax Aktiebolag is a corporation organized under the laws of Sweden and has a place of business at Kanalvagen 12, A94 61 Upplands/Vasby, Sweden.
2. Opposer is in the business of, among other things, developing, manufacturing and selling hard chromium-plated or nickel-chromium-plated bars and tubes for hydraulic and pneumatic applications and has been using the trademark CROMAX in connection with such goods in commerce since at least as early as September 7, 2001.
3. Opposer is the owner by assignment of trademark registration number 1,234,263, registered April 12, 1983, for the mark CROMAX in International Class 006 for hard chromium-plated or nickel-chromium-plated bars and tubes for hydraulic and pneumatic applications. An abstract of the '263 registration is attached hereto as Exhibit A.
4. Applicant filed its trademark application Serial No. 76/310,413 to register the mark CHROMEXL on September 7, 2001 for hard chrome plated metal forgings in rod form, shaft form, column form, rail form, channel form, guide form and cylinder form for use in hydraulic and pneumatic cylinders, pumps, motors, bearing assemblies, ventilation systems and machining equipment, enhanced to provide superior corrosion resistance, and hard chrome plated metal feed materials in rod form, shaft form, column form, rail form, channel form, guide form, and cylinder form for use in hydraulic and pneumatic cylinders, pumps, motors, bearing assemblies, ventilation systems and machining equipment, enhanced to provide superior corrosion resistance in International Class 006. An abstract of the application is attached hereto as Exhibit B.

5. Applicant's '413 application was filed as an intent-to-use application.

6. Upon information and belief, Opposer alleges that there was no bona fide use by Applicant of the mark in the '413 application in commerce prior to September 7, 2001.

7. Upon information and belief, Opposer alleges that Opposer's date of first bona fide use in commerce of the CROMAX mark predates Applicant's date of first bona fide use of the mark in the '413 application in commerce.

8. Upon information and belief, Opposer alleges that the goods of Opposer and the goods of Applicant's '413 application are offered in similar channels of commerce and offered to similar customers.

9. Opposer alleges that at least some of the goods in Applicant's 413 application are identical to the goods in Opposer's '263 registration.

10. Opposer alleges that Applicant's mark CHROMEXL is confusingly similar to Opposer's CROMAX registered mark.

11. As a result of the confusing similarity between Opposer's mark and Applicant's mark and because the goods of Applicant and Opposer are similar, are in similar channels of commerce, and are directed to similar customers, registration of the mark CHROMEXL in connection with Applicant's goods is likely to cause confusion or is likely to deceive purchasers as to the source or sponsorship of such goods.

12. In the eyes and minds of a large part of the public, Opposer's mark and Applicant's mark, as used by the respective parties, create a likelihood of confusion in the trade and create a likelihood of

deception of the public by causing them, on seeing Applicant's mark used in connection with Applicant's goods, to believe that Applicant's goods are those of Opposer, or otherwise are related to and associated with Opposer and its goods and/or unfairly suggests the approval and endorsement of such goods by Opposer.

13. Registration of the mark of Application Serial No. 76/310,413 and Applicant's past, present and continued use of the mark will result in damage to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 76/310,413 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

This Notice of Opposition is being submitted in duplicate and a check in the amount of \$300.00 in payment of the fee required by 37 CFR 2.6(a)(17) is submitted herewith.

Respectfully submitted,

Fundia Cromax Aktiebolag

By: 

Michael W. Garvey  
Pearne & Gordon LLP  
526 Superior Avenue, East  
Suite 1200  
Cleveland, OH 44114  
Tel: (216) 579-1700  
Fax: (216) 579-6073  
*Attorney for Opposer*

Date: 14 APR 03



## UNITED STATES PATENT AND TRADEMARK OFFICE

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## Record 1 out of 1

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## Typed Drawing

Word Mark	CROMAX
Goods and Services	IC 006. US 014. G & S: Hard Chromium-Plated or Nickle-Chromium-Plated Bars and Tubes for Hydraulic and Pneumatic Applications
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73198255
Filing Date	December 27, 1978
Published for Opposition	January 27, 1981
Registration Number	1234263
Registration Date	April 12, 1983
Owner	(REGISTRANT) Aktiebolaget SKF CORPORATION SWEDEN Hornsgatan 1 Goteborg SWEDEN S-415 50  (LAST LISTED OWNER) OVAKO STEEL AB CORPORATION ASSIGNEE OF SWEDEN BOX 133 DANDERYD SWEDEN 182 12
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	EUGENE E. RENZ, JR.
Section 44 Indicator	SECT44
Type of Mark Register	TRADEMARK PRINCIPAL

EXHIBIT A

Affidavit Text • SECT 15. SECT 8 (6-YR).

Live/Dead  
Indicator

LIVE

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## Typed Drawing

Word Mark CHROMEXL

**Goods and Services** IC 006. US 002 012 013 014 023 025 050. G & S: Hard chrome plated metal forgings in rod form, shaft form, column form, rail form, channel form, guide form and cylinder form for use in hydraulic and pneumatic cylinders, pumps, motors, bearing assemblies, ventilation systems and machining equipment, enhanced to provide superior corrosion resistance, and hard chrome plated metal feed materials in rod form, shaft form, column form, rail form, channel form, guide form, and cylinder form for use in hydraulic and pneumatic cylinders, pumps, motors, bearing assemblies, ventilation systems and machining equipment, enhanced to provide superior corrosion resistance

IC 007. US 013 019 021 023 031 034 035. G &amp; S: Hard chrome plated metal pistons

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76310413

**Filing Date** September 7, 2001

**Filed ITU** FILED AS ITU

**Published for** January 14, 2003

**Opposition**

**Owner** (APPLICANT) INDUSTRIAL HARD CHROME, LTD. COMPANY ILLINOIS 501 Fluid Power Drive Geneva ILLINOIS 60134

**Attorney of Record** Richard D. Harris

**Type of Mark** TRADEMARK

EXHIBIT B

Register PRINCIPAL  
Live/Dead Indicator LIVE

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